

PROB 12C  
(7/93)

## United States District Court

for the

Eastern District of Washington

## Petition for Warrant or Summons for Offender Under Supervision

Report Date: May 3, 2012  
 FILED IN THE  
 U.S. DISTRICT COURT  
 EASTERN DISTRICT OF WASHINGTON  
 MAY 03 2012  
 JAMES R. LARSEN, CLERK  
 DEPUTY  
 RICHLAND, WASHINGTON

Name of Offender: Michael Figueroa

Case Number: 2:06CR06059-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 8/24/2007

Original Offense: Felon in Possession of Ammunition, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 48 Months;  
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Gregory M. Shogren

Date Supervision Commenced: 9/29/2011

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: 4/28/2014

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 PETITIONING THE COURT

## To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- |   |   |
|---|---|
| 1 | <b><u>Mandatory Condition # 2:</u></b> The defendant shall not commit another Federal, state, or local crime. |
|---|---|

**Supporting Evidence:** Michael Figueroa is considered in violation of his term of supervised release by driving with a suspended license on or about April 11, 2012. According to the Pasco Police Department, the defendant was contacted by an officer at 1:20 a.m., driving a white Ford Explorer. During the traffic stop, the defendant informed the officer he did not have a driver's license, nor could he provide insurance. Dispatch confirmed the defendant's license was suspended in the third degree. Mr. Figueroa was cited and released with a criminal traffic citation for third degree driving with a suspended license and a traffic citation for expired vehicle registration over 2 months.

- |   |   |
|---|---|
| 2 | <b><u>Standard Condition # 11:</u></b> The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer. |
|---|---|

**Supporting Evidence:** Michael Figueroa is considered in violation of his supervised release by failing to notify his probation officer of his law enforcement contact on or about April 11, 2012. As noted in violation 1, a traffic stop was conducted on a vehicle driven by Mr. Figueroa. The officer questioned the defendant and Mr. Figueroa asked the officer not to

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arrest him as he was on federal probation. The defendant was subsequently cited and released, but did not contact this officer to advise of his law enforcement contact as required.

- 3      **Special Condition # 15:** You shall undergo a substance abuse evaluation and if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. Defendant shall contribute to the cost of treatment according to his ability to pay. Defendant shall allow full reciprocal disclosure between the supervising probation officer and the treatment provider.

**Supporting Evidence:** Michael Figueroa has failed to comply with his substance abuse treatment program since February 2012. The defendant is attending outpatient treatment services at First Step and has been in noncompliance with his attendance. He attended one class in February 2012, and has continued to have unexcused treatment classes in the months of March and April 2012.

- 4      **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Michael Figueroa is considered in violation of his supervised release by using controlled substance, methamphetamine, on or about March 28, 2012, and April 3, 2012. The defendant submitted to random drug tests at First Step Community Counseling Services on the aforementioned dates. The tests were positive for methamphetamine. When the defendant submitted the urine tests, he advised he had consumed methamphetamine on or about March 26, 2012; and on April 2, 2012.

- 5      **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Michael Figueroa is considered in violation of his supervised release by failing to report for drug testing on or about March 6, 2012; and April 23, 2012. Mr. Figueroa is on the random drug testing color line and is to report for testing at First Step Community Counseling Services when the color gold is called. The defendant failed to appear for testing on March 6, 2012. He also failed to report for testing on April 23, 2012, although he knew he was required to report that day and told this officer he would be going to First Step to submit his drug test.

- 6      **Special Condition # 16:** You shall complete a mental health evaluation and follow any treatment recommendation of evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement, absent further order of the court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.

**Supporting Evidence:** Michael Figueroa is considered in violation of his supervised release by failing to schedule his mental health evaluation as required on or about April 23, 2012. The defendant was referred to First Step Community Counseling Services and instructed to schedule his appointment on April 23, 2012, while he was there to submit his drug test. Mr.

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Figueroa failed to report to First Step and did not schedule the assessment. This officer contacted the defendant on April 24, 2012, instructing him to schedule his appointment. He advised he would call them that same day. This officer verified with First Step that the defendant has yet to contact the agency to schedule an appointment.

- 7 **Standard Condition #9:** The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

**Supporting Evidence:** Michael Figueroa is considered in violation of his supervised release by associated with other felons in April 2012. According to information obtained from the Washington Department of Corrections (DOC) in Pasco, Washington, Mr. Sullivan is on active DOC supervision and has a lengthy criminal history including several juvenile and adult felony convictions out of Benton and Franklin counties. When DOC community corrections officers (CCO) conducted home visits to Mr. Sullivan's apartment, the defendant was found there on three separate occasions, March 19, 2012; April 20, 2012; and April 27, 2012. During the contact on April 20, 2012, another known felon, Florentino J. Castillo was present with the defendant in the apartment. During the contact on April 27, 2012, the defendant and other occupants were drinking beer. The defendant was previously on DOC supervision and had been supervised by one of the officers. Mr. Figueroa did not disclose the DOC contact with this officer, nor did he mention associating with Mr. Sullivan or Mr. Castillo.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/03/2012

s/SanJuanita B. Coronado

SanJuanita B Coronado  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☒ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ Other

s/ **Edward F. Shea**

Signature of Judicial Officer

**May 3, 2012**

Date